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IN THE

Supreme Court of the United States

OCTOBER TERM, 1963

No. 878

THE GENERAL TIRE & RUBBER COMPANY,
A BODY CORPORATE,
Petitioner,

v.

THE HONORABLE R. DORSEY WATKINS,
UNITED STATES DISTRICT JUDGE FOR THE
DISTRICT OF MARYLAND,
Respondent.

OBJECTION TO MOTION FOR LEAVE TO FILE BRIEF AS AMICI CURIAE

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Petitioner objects to the filing of a brief by the Firestone Tire & Rubber Company and McCreary Tire & Rubber Company, as *amici curiae*. The Motion is clearly tardy.

Amici curiae were served with the Petition as far back as February 21, 1964. *Amici curiae* knew that a trial date was set by Respondent for Civil Action 12,932 to commence on April 15, 1964.

Amici curiae could have filed their two page Motion long before they did. Instead they waited over thirty days from the time of service upon them of the Petition.

The Supreme Court Rules do not permit The Firestone Tire & Rubber Company and McCreary Tire & Rubber Company to appear as *amici curiae*. They intervened as parties in the Fourth Circuit Court of Appeals. They were served with a copy of the Petition for Certiorari. They are not "friends of the court" but are in fact *party litigants*.

In their efforts to delay as long as possible, *amici curiae* apparently overstepped themselves and missed the March 23 filing date for *party litigants*. Now they want to change themselves into "friends of the court" in order to permit the filing of briefs which the Rules would otherwise prohibit.

Significantly, the Respondent District Judge has not filed an opposing brief although represented by counsel who also represent *amici curiae*. His counsel has not even filed a statement that Respondent does not wish to file an opposing brief. If such statement had been forthcoming promptly after the filing of the Petition, considerable delay would have been avoided.

The intentions of *amici curiae* are obvious. They want to delay the consideration of the Petition for Certiorari until *after* April 15, 1964. They want to delay matters in this Court as much as possible to permit the trial of Civil Action 12,932 to start before Petitioner's cause is considered in this Court. They should not be permitted to delay matters in order to prevent a full consideration of the Petition for Certiorari on the merits.

For these reasons, we earnestly request that the Motion for leave to file brief on behalf of *amici curiae* be denied.

Respectfully submitted,

NORMAN P. RAMSEY,
Attorney for Petitioner.

CHARLES J. MERRIAM,
Of Counsel.

April, 1964.